

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DAVID J. SCOTT,

Plaintiff,

DANIEL BURRESS, ERICK

WANAN, & HOWARD GREENWELL,

BERRY GETZEM, THOMAS

DECKER, JAMES CORNISH,

and DARYN COBB,

Defendants.

Case: 2:09-cv-10916

Judge: Cook, Julian Abele

MJ: Majzoub, Mona K

Filed: 03-11-2009 At 04:28 PM

IPP SCOTT V. BURRESS ET AL (JTC)

CIVIL COMPLAINT

With a J.M.W. Demand

This is a civil rights action filed by David J. Scott, a private person, seeking damages under 42 USC 1983, alleging that he was denied his First Amendment rights for exercising protected right and conspiracy to violate Plaintiff's civil rights. Plaintiff will prove a trial by jury.

Plaintiff's First Claim
That last her resolution to sue other pursuant to 42 USC 1981 and 1982 and the First Amendment to the U.S. Constitution.

proposes the supplemental production of the
Cart for any state law claims asserted
by the Plaintiff.

2. You are 15 pages in this document
under 42 USC 1331(e).

Parties

3. Plaintiff incorporates by reference
paragraphs 1 through 2 above.

4. All of the parties pertinent to the
complaint David J. Schild was a state police
corrections officer for the Michigan Department of
Corrections.

5. All of the parties pertinent to the
complaint Defendant Daniel A. Rivers, retired
court law Judge, was a resident of Livingston
County; Defendant Brian Berger was a
residence of Wayne, MI was in the County of
Livingston; Defendant Thomas Coon a former
employee with the Livingston County Sheriff's
Department holding the rank of Lieutenant;
Defendant Thomas DeLerke was employed with
the Michigan state Police holding the rank
of Detective Sergeant; Defendant Barry
Linton was employed with the Michigan State
Police holding the rank of Major; Defendant
David Larson was employed with the Michigan

that Plaintiff is Defendant. Plaintiff was not employed with the Mahaga Department of Corrections as an agent in the Plaintiff's observance of the Department.

Ground Allegations:

6. Plaintiff was appointed by no other. Paragraph 1 through 5 above.

7. Plaintiff was employed with the Mahaga Department of Corrections from approximately January 20, 1987 to approximately July 11, 2005, at which time he was released.

8. That on or about July 13, 2005, Plaintiff was granted a parole by the Mahaga Parole Board and was scheduled to be released from custody of the Mahaga Department of Corrections on or about August 16, 2006.

9. On or about January 4, 2005, Defendant Bruce, through counsel, was subpoenaed by Plaintiff for the taking of his deposition in connection with Sett. 4. Bens, Smith, Stiles & that Court further. Plaintiff a Notice of Deposition, file No. 1185 (Ex. 57).

10. That on a letter dated August 5,

Defendant to conjunction with each of the
submittal and cause to be submitted by
fax transmission to the Michigan Panel.

Based on August 5, 2005, Defendant's
petitioning the Michigan, wrote in pertinent
part:

It is the defendant's opinion of course
in law enforcement, the procedure
of this and the procedure that Scott
posed a legitimate danger to
others in our community. More
specifically, Scott has operated
through word and deed. He
in fact he will bring to a theory,
Boa-boa; and others, referred
Court last Judge David Burrell,
as well as other looks he believes
played role in his incarceration.

About a year earlier the FBI
proceeded in the Scott trial
to find evidence in the
Attorney General. He recently at
law month of October, the government
forwarded a transcript from Attorney
General Scott told the state of the

11. The statements and accusations
so written and spoken by Defendant
Greene were and are utterly false, malicious
and libelous.

12. That by those accusations,
Defendant Greene meant and was
understood to mean that Plaintiff had
engaged in criminal acts of Plaintiff
to malicious.

13. The defendants, acting jointly and
maliciously, perpetrated said false malicious
and libelous accusations by dozen, score,
and plus, among other things, the Defendant
Plunkett to oppress, harsh and unfair
treatment and the ready, putting his
imprisonment in reaction to Plaintiff's standing
to the man Defendant Bader, under color
by suppressing Plaintiff's further taking
of said deposition as suffered by
Plunkett in the cause of Plaintiff gathering
for Plaintiff for Plaintiff.

14. On an 6th occasion before the
foregoing Plaintiff Bader, et. al. having called the
Defendant, Plaintiff, in the first case
and hearing, of let be adjudicated, that

Standards of construction. It Plaintiff engaged
in acts of which he is now guilty.

15. By reason of the acts of
Defendant in and about the acting and
publishing of said policy Plaintiff and Standard
Construction and Standard & the Plaintiff has
applied to the Michigan Landmarks Commission and
Historical Commission for permission and review by
the Michigan State Board on or about
August 16, 2005.

16. The Defendant has and will
continue to be false and wrong in his
present statements but particularly with your
specific intent to knowingly issue the
specification for Plaintiff's Park and to
further issue Plaintiff's other works
notary and hand signing.

17. The Defendant failed
to fulfill some what agrees to Plaintiff
Plaintiff guilty of any crime and
particularly the offense of violating a
order.

Count 1

Refrigerator

18. Plaintiff incorporated by
reference paragraph 1 above 17 above

petition the government for justice under
the First Amendment and other related Statute
Constitutional, Civil, Constitutional
and Statute.

21. That right extends to the
government of protecting under the open
Bastille Clause of the First Amendment
Amendment. I, the author states Constitution,
U. S. Constitution, TECF.

22. Plaintiff is accused by
First Amendment right by suspending
Defendant's Power to the taking of his
property in connection with arrest together
with, taking the Plaintiff.

23. Defendant made as published
false accusations of Plaintiff engaging in
corrupt activity because Plaintiff liked
and present can't be together or leaving the
by First Amendment right together
the government for release.

24. Plaintiff also Plaintiff,
internationally, all currency and to the other
class regard from Plaintiff's Constitutional
rights made and probable future
the accusations of Plaintiff. Plaintiff engaged in several
activities to Plaintiff in Plaintiff.

25. Defendant with Plaintiff, however,

acting under Color of State law, the
Attendant to a given Plaintiff either
constraining right to petition the government
for relief, established against Plaintiff to the
Court, that they do not sue defendant
but are a good the Plaintiff.

3. Plaintiff is Defendant
legally brought, at trial, Plaintiff
sustained damages including fear, anxiety,
interference with his or her constitutional
rights and a violation of his or her body and
other constitutional fundamental freedoms.

Count II

Surprise

26. Plaintiff is aggrieved by Defendant
through and through 25 years.

27. The action of Defendant is
set forth herein illegal and violation of
Plaintiff's right to petition the government
by another under the First Amendment
the First Amendment is to include
Count I.

28. Defendant conspired with another
other to injure Plaintiff by forcing Plaintiff
by threatening, torturing and kidnapping and
harm to his wife and public life accusation.

as otherwise agreed above.

29. Defendants agreed with each other prior to filing this complaint that Plaintiff be kept to the extent of disclosure of previously disclosed documents.

30. As a result of the foregoing and the Defendants wrongdoing, Plaintiff suffered damages including fear, anxiety, interference with his enjoyment of Constitutional Rights and prolonged loss of business.

Count III

Slender - Defamation

31. Plaintiff was poster by Defendants paragraphs 1 through 20 above.

32. That the acts of the foregoing Defendants and publishing of said letter, emails and specimen, threatening and threatening with the tool of destruction of Plaintiff and Plaintiff's wife, Shulie Shulman.

33. As a result of being defamed and threatened Plaintiff Plaintiff suffered damages including fear, anxiety, loss of business and loss of business.

WHEREFORE Plaintiff seeks judgment for damages and further attorney's fees and Defendants Removal, costs, expenses.

Seeds in water and Plant it
in soil

George H. Schenck
David Scott

Plant it in the
longer tail
of the S. High ladder way
front of # 9868

Dated: January 1, 2009

George H. Schenck

I, George H. Schenck, declare that it has
been my desire to complete and finish the
planting of the ladder way in the
front of the house of my friend, George H. Schenck.

George H. Schenck

David Scott

Dated: January 1, 2009.

January 4, 2009

David Scott
Business for Carlyle
150 S. Highlander Way
Hawthorne, NJ 07506

Court of the Circuit
United States Court of
231 W. Jefferson Blvd.
Detroit, MI 48266

Re: David Scott v David Foster
Refiled Motion

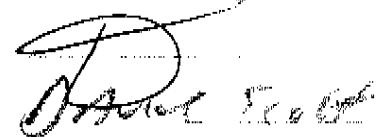
Dear Clerk:

Enclosed for filing please list the
following:

- First Complaint
- Application for TFR

Please take note that this action
was initially filed on September 1, 2006
and is signed for Judge Arthur J. Tarrow
Hockett No. 06-13916.

Stanley


David Scott

This is a request for the court to have the U.S. Marshal re-serve the summons and complaint. Attached is a list of the attorney of record with file No. 2:06-cv-13916.

David Sack
David Sack

Attorney

Steven M. Lubetkin
MI Attorney General
P. O. Box 30736
Lansing MI 48909
517 373 6838

representing

Jamie Correa
Betsy Getzen
Thomas DeCicco

Christina M. Campbell
MI Attorney General
P.O. Box 30217
Lansing MI 48909
517 335-2221

representing

Dawn Cobb

Steven M. Decter
8550 W. Grand River
Brighton MI 48116
510 227 1500

Timothy P. MacDonnell
P. O. Box 535
Muskegon MI 49441
517 545 4529

representing

Brian Lister

J. Joseph Stewart
Lansing, MI 48906
32900 Schoolcraft, Suite 601
Lansing MI 48150-1352
727-261-2862

representing Daniel Burrell
Thomas Comerite

CIVIL COVER SHEET

COUNTY IN WHICH ACTION AROSE Livingston County ✓

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) **LIVINGSTON COUNTY**
COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
David Scott
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

LIVINGSTON COUNTY Daniel Burrell,
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Brian Lavan, Thomas
(IN U.S. PLAINTIFF CASES ONLY) Cremonite
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

| | PTF | DEF | PTF | DEF | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|---|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 360 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities/Commodities/Exchange <input type="checkbox"/> 575 Customer Challenge 12 USC 3410 <input type="checkbox"/> 591 HIA (1995) <input type="checkbox"/> 592 Black Lung (923) <input type="checkbox"/> 593 DOL/OWH (405(g)) <input type="checkbox"/> 664 SSID Title XVI <input type="checkbox"/> 685 RSI (405(g)) |
| | | <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark | <input type="checkbox"/> 410 Agriculture <input type="checkbox"/> 520 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 |
| | | <input type="checkbox"/> 385 Property Damage Product Liability | | <input type="checkbox"/> 470 PROPERTY RIGHTS <input type="checkbox"/> 520 Labor Standards Act <input type="checkbox"/> 520 Labor/Mgmt. Relations |
| | | | | <input type="checkbox"/> 650 Liquor Laws <input type="checkbox"/> 660 R.R. & Truck <input type="checkbox"/> 670 Airline Regs. <input type="checkbox"/> 680 Occupational Safety/Health <input type="checkbox"/> 690 Other |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | LABOR | <input type="checkbox"/> 695 Freedom of Information Act <input type="checkbox"/> 700 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 750 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights | <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 520 HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 891 HIA (1995) <input type="checkbox"/> 892 Black Lung (923) <input type="checkbox"/> 893 DOL/OWH (405(g)) <input type="checkbox"/> 894 SSID Title XVI <input type="checkbox"/> 895 RSI (405(g)) <input type="checkbox"/> 896 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 897 IRS - Third Party 26 USC 7609 |

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Retaliation exercising Protected Right

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) (See Instructions): IF ANY JUDGE Arthur Tornow DOCKET NUMBER 06-13916

DATE

SIGNATURE OF ATTORNEY OF RECORD

Kimberly Hutchens

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously discontinued or dismissed?

YES NO

✓

If yes, give the following information:

Court: U.S District Court Eastern District

Case No.: 06-13916

Judge: Arthur Tornaw

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

YES NO

✓

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

NOTES:

CIVIL COVER SHEET FOR PRISONER CASES

| | | |
|---|---|---------------------------|
| Case No. 09-10916 | Judge: Cook | Magistrate Judge: Majzoub |
| Name of 1 st Listed Plaintiff/Petitioner: David Scott | Name of 1 st Listed Defendant/Respondent: Thomas Cremonte | |
| Inmate Number: 9115 | Additional Information: | |
| Plaintiff/Petitioner's Attorney and Address Information: David Scott #9115 Livingston County Jail 150 Highlander Way Howell, MI 48843 | | |
| Correctional Facility: | | |

BASIS OF JURISDICTION

2 U.S. Government Defendant
 3 Federal Question

ORIGIN

1 Original Proceeding
 5 Transferred from Another District Court
 Other:

NATURE OF SUIT

530 Habeas Corpus
 540 Mandamus
 550 Civil Rights
 555 Prison Conditions

FEE STATUS

IFP *In Forma Pauperis*
 PD Paid

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes No

➤ If yes, give the following information:

Court: United States District Court Eastern District of Michigan

Case No: 06-13916

Judge: Arthur J. Tarnow